IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 22458 of 2000

Between:

S.S.Hussaini, S/o. Late Gulam Dastagiri,
R/o. H.No. 16-2-741/D/3, Asmangadh, near TV Tower,
Malakpet, Hyderabad.

..... PETITIONER

AND

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1 Deputy Commissioner of Police (Crimes), C.C.S.Police Control Room,

Nampally, Hyderabad.
2 The Station House Officer, Humayun Nagar, P.S.,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any Writ, order or direction more particularly one in the nature of 'WRIT OF MANDAMUS" declaring the action of the respondents herein in interfering with the Civil dispute between the petitioner and third parties (i.e. Smt. Sara Begum) and consequently direct the respondents not to harass the petitioner and his family members.

Counsel for the Petitioner: MR.V.VISWANATHAM

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

It is the case of the petitioner that he availed loan for a sum of Rs.50,000/- (Rupees fifty thousand only) from one Smt. Sara Begum. When the petitioner could not pay the loan amount within the time stipulated, Sara Begum started pressurizing the petitioner for immediate payment and forcibly obtained a cheque for a sum of Rs.1,00,000/- (Rupees one lakh only) from him. It is stated that on 30.9.1999 the petitioner cleared off the loan amount and asked Sara Begum to return the cheque obtained by her, but she did not return the same saying that it was misplaced. While so, the said Sara Begum approached the respondents for payment of Rs.1,00,000/- (Rupees one lakh only) and the police make the petitioner sit in the police station frequently and thereby interfering with the civil dispute. Therefore, the petitioner filed the present writ petition seeking a direction to the respondents not to interfere with the civil dispute between the petitioner and third parties.

The dispute involved in this writ petition is squarely covered by a judgment of this Court in **S.Masthan Saheb v P.S.R. Anjaneyulu** and **J.Lakshmi @ Lakshmamma v Commissioner of Police, Vijayawada.**

In **J. Lakshmi @ Lakshmamma v Commissioner of Police, Vijayawada** (supra), after referring to the judgment in **S.Masthan Saheb v P.S.R. Anjaneyulu** (supra) as well as the code of conduct for police, this Court laid down as under.

> The Supreme Court has repeatedly held that when the dispute is purely of civil nature, the jurisdiction under Art.226 of the Constitution cannot be exercised. The Supreme Court also repeatedly laid down that when the dispute between the two citizens is of civil nature and no crime is registered, police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before the court of law or before the tribunal, the police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before a court of law or before a tribunal, the police cannot interfere and even if a complaint is made in relation to such dispute pending in a civil court, the citizens have to be advised to resolve the dispute through a duly constituted court of law.
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> In the scheme of the Constitution of India, the duty to resolve civil disputes is entrusted to judiciary. Police have no such power. Any interference by police in a pending civil dispute or a potential civil dispute between citizens or two groups of citizens is not within the province of the police. Furthermore, if a cognizable offence is reported to the police, it is the duty of the police to register the crime under Section 154 of the Code of Criminal Procedure, 1973 (Cr.P.C) and take up investigation immediately. In a given case, even if a civil dispute, to say a land dispute, is pending before a civil Court and if the quarrel between the two warring parties has a potential of resulting in a law and order problem posing threat to the society at large, the police can always take up the case only after registering the crime under Section 154 Cr.P.C. Without registering the crime and without any reason the police cannot interfere.

The Learned Government Pleader does not dispute the legal position. Therefore, this writ petition is disposed of directing the respondents not to interfere in the civil disputes, if any, between the petitioner, GPA holder and other third parties.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V.V.S. RAO, J.

6th July, 2005

Js

To

1 The Deputy Commissioner of Police (Crimes), C.C.S.Police Control

Room, Nampally, Hyderabad.
2 The Station House Officer, Humayun Nagar, P.S., Hyderabad.

3 Two CCs to G.P. for Home, High Court Buildings, Hyderabad.

4 2 CD copies.